

REMARKS

The Office Action

Claim 5 stands objected to due to informalities.

Claims 1-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,109,991 to McPherson in view of U.S. Patent No. 5,174,758 to Abramson.

Summary of Amendments to the Claims

Claim 5 has been amended as suggested in the outstanding Office Action. Accordingly, it is respectfully requested that the objection thereto now be withdrawn.

Background

As previously pointed out, the present application is directed to a system and/or method for organizing and displaying a plurality of different wallcovering samples. In particular, samples are sorted and stacked into separate books or decks based upon the particular color characteristics of the individual samples, e.g., the predominate hue of each sample. Accordingly, for example, one book or deck may contain a set of samples where each one has a predominately green hue, but with a variety of different patterns, finishes, constructions, etc.; while another book or deck may contain a set of samples where each one has a predominately blue hue, but with a variety of different patterns, finishes, constructions, etc; and so on for each distinct or separate hue. Notably, the present approach represents a significant departure from conventional prior art approaches, and realizes practical advantages over these prior art approaches.

Traditionally, wallcovering sample books are presented and/or organized according to pattern. That is to say, one book typically contains samples representing all the different color variants for a single pattern; while a second book contains samples representing all the different color variants for another single pattern; and so on for each pattern in the collection. This conventional and long standing practice of grouping wallcovering samples according to pattern, however, is not always conducive or beneficial to the design or wallcovering selection process.

For example, the Applicant has discovered that a consumer or designer shopping for wallcovering often wants to match the “correct” color of the wallcovering to the environment in which it will be used. That is to say, in the wallcovering selection process, often color is a relatively higher priority as compared to pattern. Accordingly, by grouping samples of like color together, the decision making and/or selection process is advantageously streamlined. That is to say, the designer or consumer need not look through a variety of different pattern books each having an array of color choices to find all the patterns in a desired color – rather they may simply look through the one book having the desired color and select a particular pattern therefrom.

The McPherson Patent

McPherson is directed to a storage container for wallcovering sample books. Significantly, McPherson does not disclose any particular organization method for the wallcovering samples. Nowhere does McPherson describe what kind of samples are held in each individual book or how the samples are sorted into the books. In fact, the Office Action concedes that “McPherson fails to disclose each holder being dedicated to a color group.”

The Abramson Patent

The Abramson Patent is directed to a color selector for four-color offset printing. Notably, as shown in FIGURE 1, Abramson only disclose a single book **10** in which all the color swatches are stored. Abramson explicitly requires that “a color selector **must** be provided illustrating, in color **all** the distinct hues, tints, and shades created One type of color selector is shown in FIG. 1, in the form of a ‘fan book’ **10**.” Col. 4, lines 46-49, Emphasis added. Accordingly, the color selector or book **10** as taught by Abramson contains all the distinct hues. Nowhere does Abramson suggest that different hues or colors be sorted into separate distinct books or decks. That is to say, in accordance with the teachings of Abramson, all the swatches are held in a single book **10**, including samples of varying color characteristics. Abramson simply does not teach storing samples of different colors in different books. Rather, Abramson teach exactly the opposite – namely, storing all of the swatches having varying color characteristics in the same book.

Accordingly, the teaching of Abramson is directly contrary to the approach of the present application, which is directed to sorting and holding samples of different colors in separate and distinct books or decks. That is to say, in the present application, a plurality of separate and distinct decks are used to hold a plurality of samples having different color characteristic, with each deck holding multiple sample exhibiting the same color variant. Conversely, in accordance with Abramson, a single book **10** holds all of the swatches exhibiting an array of different color variants. Nowhere does Abramson teach sorting the various swatches into different books based upon common color characteristics.

The Present Claims Distinguish Patentably over the Prior Art

With respect to the rejection of claims 1-8, the rejection is hereby traversed. Significantly, claim 1 calls for “a plurality of wallcovering samples, each sample having a color characteristics; and, a plurality of sample holders, each holder being dedicated to a different color group and configured to hold a set of the samples.” As claimed, “the samples are organized into the holders based upon their respective color characteristics such that each holder holds a set of samples having like color characteristics.” Neither McPherson nor Abramson (either alone or in combination) teach the foregoing.

As claimed, the samples are organized into a plurality of different holders based upon their color characteristics such that each holder which is dedicated to a different color group contains a set of sample with like color characteristic. As conceded in the Office Action, McPherson does not disclose any sort of organizational scheme. Additionally, Abramson teaches that a single book **10** contains all of the swatches having a varying array of different color characteristics. More to the point, nowhere does Abramson teach sorting the various swatches into different books based upon common color characteristics. Accordingly, neither reference teaches the claimed subject matter.

Accordingly, insomuch as both McPherson and Abramson fail to teach each and every claimed feature, it is respectfully submitted that claim 1 distinguishes patentably over the references, along with claims 2-8 depending therefrom.

The rejection of claims 9-16 is also traversed. Significantly, claim 9 recites “sorting the samples into sets having like color characteristics.” Again, McPherson fails to disclose any particular method by which the samples are sorted, and Abramson teaches a single

book that holds all of the swatches with a varying array of different color characteristics. Nowhere does Abramson even suggest sorting the samples into different sets, let alone sorting them according to their color characteristics.

Accordingly, it is respectfully submitted that claim 9 distinguishes patentably over the prior art along with claims 10-16 that depend therefrom.

Additionally, claim 6 calls for the holders to "have faces that include indicia thereon to indicate the color group to which the respective holders are dedicated." Notably, the McPherson fails to disclose any such indicia on the book **36** or spine **38**. Moreover, Abramson teaches no such indicia. Significantly, the book **10** of Abramson holds all the swatches. Accordingly, no indicia of color group would be appropriate (as all color groups would be contained in the book **10**), and therefore, no disclosure of any such indicia is found in Abramson. Consequently, claim 6 further distinguishes patentably over the references.

Moreover, claim 15 call for the samples held together in the same set to have one or more non-color design elements that vary from sample to sample, and claim 16 recites that the one or more non-color design elements include at least one of: a printed pattern on the sample, an embossed pattern the sample, a finish on the sample, a material of the sample, and a construction of the sample. Neither McPherson nor Abramson teach the foregoing. Neither even mentions non-color design elements in the samples. Notably, Abramson is directed to a color selector for four-color offset printing. The swatches disclosed in the book **10** are merely color samples. They contain no printed pattern, embossing, finish or construction elements that vary from sample to sample. Rather, the swatches merely illustrate a particular color produced by the designated combination of inks. As for McPherson, there is also no disclosure which teaches the foregoing. Consequently, claims 15 and 16 further distinguish patentable over the references.

Finally, the rejection based upon McPherson in view of Abramson is flawed in general. According to MPEP §2141(a), for a reference to be relied upon under 35 U.S.C. §103, it must be analogous art. In the present case, Abramson is non-analogous art. Importantly, McPherson is directed to a wallcovering sample storage container. Abramson, on the other hand, is directed to color selector for four-color offset printing. Four-color offset printing is an unrelated field as compared to the field of storing wallcovering samples.

CONCLUSION

For the reasons detailed above, it is respectfully submitted that all the claims remaining in the application are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination. In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to telephone the below signed at the telephone number listed.

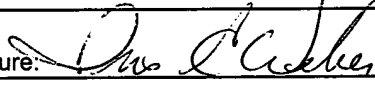
Respectfully submitted,

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December 20, 2006

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